

Eligibility for Diversion Program

- You are eligible to participate in the DUI Diversion Program if:
- You meet all of the requirements described in the Petitioner Sworn Statement of Eligibility; and
- You have not already pled guilty or no contest to the present DUI charge, or if you already pled not guilty to the charge, no trial on the DUI charge has yet begun; and
- You appeared in court on the date scheduled for your first appearance on the charge or the Court finds good reason for your failure to do so;
- You file this petition with the Court within 30 days from the citation issued date, unless the Court finds you have a good reason for the delay.

Legal Rights Waived

- To enter the DUI Diversion Program, you must waive the following rights:
- You have a right to have the DUI charge decided without unnecessary delay. You must agree to give up this right in order to enter into a diversion agreement with the Court. If you are allowed to enter the diversion program, the Court will stop the prosecution of the charge against you. If you fail to complete the program the prosecution will continue.
- This paragraph applies to you only if you are charged with other offenses in addition to DUI and the additional charges are from the same alleged episode. All offenses alleged to have been committed at the same time must be prosecuted at the same time. The diversion agreement between you and the Court applies only to the DUI charge. Prosecution of this charge only will be delayed during the diversion program period. Other charges will be prosecuted separately from the DUI charge and will not be delayed by the diversion agreement. By requesting to enter into a diversion agreement, you are giving up the right to have the DUI charge decided at the same time as your other charges (former jeopardy).

Agreement with the Court

In order to have the DUI charge dismissed by completing the diversion program, you agree to do the following:

- Pay the Court a filing fee in the amount of \$261, a unitary assessment fee of \$97, and a program administration fee of \$100. If you cannot afford to pay these fees, tell the judge. Some or all of these fees may be waived, depending on your financial situation. Also, the Court may allow you to make payments over time.
- The Court will give you the name and address of a diagnostic agency. You agree to contact this agency and undergo an evaluation to determine the extent of any alcohol or drug abuse problem you may have. You will be referred to a treatment program if the agency finds treatment to be necessary. The cost of the evaluation is \$150. You must pay this amount directly to the agency that performs the diagnostic assessment.
- The diagnosis of any alcohol or drug abuse problem you may have will be followed by a treatment program. You agree to complete this treatment. This treatment program must be completed at your own expense. If you cannot pay the cost of treatment, be sure to tell the

counselor at your first meeting. The treatment facility may find that you are qualified to have some portion or all of the cost of treatment waived and often may allow payments over time.

- If required by the Court, you agree to attend a victim impact panel. The cost of the victim impact panel varies.
- You agree to not use intoxicants to comply fully with the laws.
- You agree to keep the Court advised at all times of your current mailing and residential addresses. This is extremely important, since notices will be mailed to you by the Court and by the treatment program to the address you provide.
- If the Court allows you to enter into the diversion program and if you keep these agreements, the Court will dismiss the DUI charge at the end of one year.
- The Court will terminate this diversion agreement if the Court finds that you have violated the terms of the diversion agreement or that you were not eligible for diversion to begin with. The Court will make this determination at a hearing where you can “show cause” why you should not be removed from the diversion program. To show cause means that if you can show the judge why you should not be removed from the program, the judge will allow you to continue to participate in the program. Notice of such hearing will be sent to you by regular mail. If you fail to appear in court as directed by the mailed notice, the Court can terminate the diversion agreement and prosecution of the offense will be resumed.

Notice to Defendant

If the Court grants a diversion agreement, the agreement will be considered violated if the Court receives notice, at any time during the diversion period that you committed the offense of DUI or of the open container laws under ORS 811.170.